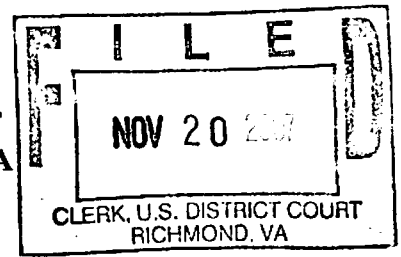


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



PAUL E. PODHORN, JR.,

Plaintiff,

v.

Civil Action No. **3:07CV416**

CHRIS ANGELINI, et al.,

Defendants.

MEMORANDUM OPINION

By Memorandum Order entered on July 24, 2007, the Court conditionally docketed Plaintiff's 42 U.S.C. § 1983 action. The Court directed Plaintiff to affirm his intention to pay the full filing fee by signing and returning a consent to the collection of fees form. The Court warned Plaintiff that a failure to comply with either of the above directives within thirty (30) days of the date of entry thereof would result in summary dismissal of the action. By Memorandum Order entered on October 4, 2007, the Court granted Plaintiff an extension of eleven (11) days from the date of entry thereof to comply with the terms of the July 24, 2007 Memorandum Order.

Plaintiff has not complied with the orders of this Court. Plaintiff failed to return the consent to collection of fees form. As a result, he does not qualify for *in forma pauperis* status. Furthermore, he has not paid the statutory filing fee for the instant complaint. *See* 28 U.S.C. § 1914(a). Such actions demonstrate a wilful failure to prosecute. *See* Fed. R. Civ. P. 41(b).

Accordingly, this action will be DISMISSED WITHOUT PREJUDICE.

It is so ORDERED.

Date: 11/20/07
Richmond, Virginia

/s/
James R. Spencer
Chief United States District Judge